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PATENT

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Serial No.: 09/662,203)
Filed: September 14, 2000)
For: BREATHING ASSISTANCE)
APPARATUS)
Applicant: Smith et al.)
Examiner: Dawson)
Art Unit: 3761)
Attorney Ref: 1171/38911/80)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 23, 2004
Date
Tiffany B. Sutton
Title: [illegible]

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant is not aware of any material prior art but, in an abundance of caution and candor, Applicant submits the present Supplemental Information Disclosure Statement and Form PTO-1449.

This reference first became known to Applicant through an Australian Examination Report dated February 12, 2004, copy enclosed, which issued in a corresponding Australian patent application.

This Supplemental Information Disclosure Statement is being filed before receipt of a first Office Action on the merits after the filing of a Request for Continued Examination (RCE) and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

In accordance with 37 C.F.R. §1.97, the presentation of this information shall not be construed as a representation that no other material information as defined in 37 C.F.R. §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Should the Examiner believe a fee is required, the United States Patent and Trademark Office is hereby authorized and requested to charge the fee to the deposit account of the undersigned firm, Account No. 20-1495.

Respectfully submitted,

Dated: August 23, 2004

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SERIAL NO. 09/662,203

(Use several sheets if necessary)

GROUP 3761

DATE CONSIDERED